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Commissioner for Patents

P. O. Box 1450
Alexandria, VA 22313-1450

On September 16, 2005

TOWNSEND and TOWNSEND and CREW LLP

By:

Susan J. Johnson Aurora Lowell

PATENT
Docket No.: 086035-000000US
Client Ref. No.: PA34271US-031/wl



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Harald STEIN and Horst
DURKOP

Application No.: 10/612,832

Filed: July 1, 2003

For: AGENT FOR USE IN
DIAGNOSTICS AND THERAPY

Confirmation No. 3864

Examiner: Yao, Lei

Technology Center/Art Unit: 1642

DECLARATION REGARDING DEPOSIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, PROF. DR. H. STEIN authorized to act on behalf of the Applicant and Assignee in matters relating to the subject Patent Application, does hereby declare and state that:

1. The cell line designated DSZ1 described at, e.g., p. 9, third paragraph of the above-captioned application, was deposited at the German Microorganisms Collection (DSM) under accession number DSM ACC2548. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the deposit certificate is attached as Exhibit 1.

2. The cell lines identified in paragraphs 1 above will be maintained at the DSM and replaced in the event of mutation, nonviability or destruction for a period of at least five years after the most recent request for release of a sample was received by DSM for a period of at least thirty years after the date of the deposit, or during the enforceable life of the related patent, whichever period is longest.

3. All restrictions, on the availability to the public of the cell line identified in paragraphs 1 above will be irrevocably removed upon the issuance of a patent from the above-captioned application.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 8/17/2005

By: Harald Stein

Professor of Pathology
Position



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PATENT

Docket No.: 086035-000000US

Client Ref. No.: PA34271US-031/wl

On September 6, 2005

TOWNSEND and TOWNSEND and CREW LLP

By Aurora Lowell
Queen L. Johnson Aurora Lowell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Harald STEIN and Horst
DURKOP

Application No.: 10/612,832

Filed: July 1, 2003

For: AGENT FOR USE IN
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DECLARATION REGARDING DEPOSIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, PROF. DR. H. DURKOP authorized to act on behalf of the Applicant and Assignee in matters relating to the subject Patent Application, does hereby declare and state that:

1. The cell line designated DSZ1 described at, e.g., p. 9, third paragraph of the above-captioned application, was deposited at the German Microorganisms Collection (DSM) under accession number DSM ACC2548. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the deposit certificate is attached as Exhibit 1.

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Date: 8/17/2005

By: Horst Dely

PROF. OF PATHOLOGY
Position

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Universitätsklinikum Benjamin Franklin
Institute of Pathology
FU Berlin
Hindenburgdamm 30
12200 Berlin

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: DSZ1	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2548
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2002-06-05 (Date of the original deposit).	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on _____ (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 2002-06-12

¹ Where Rule 5.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.
Form DSMZ-BP/4 (sole page) 12/2001

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**


DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

**INTERNATIONAL FORM**

Universitätsklinikum Benjamin Franklin
Institute of Pathology
FU Berlin
Hindenburgdamm 30
12200 Berlin

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Universitätsklinikum Benjamin Franklin Institute of Pathology Address: FU Berlin Hindenburgdamm 30 12200 Berlin	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2548 Date of the deposit or the transfer ¹ : 2002-06-05
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 2002-06-05 ² . On that date, the said microorganism was <input checked="" type="checkbox"/> ³ viable <input type="checkbox"/> ³ no longer viable	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED⁴	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Maascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: 2002-06-12

- ¹ Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.
³ Mark with a cross the applicable box.
⁴ Fill in if the information has been requested and if the results of the test were negative.

Form DSMZ-BP/9 (sole page) 12/2001